

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re REFCO, INC. SECURITIES LITIGATION

07 MDL No. 1902 (JSR)

GEORGE L. MILLER, Chapter 7 Trustee for the  
Estate of Suffolk LLC,

09-cv-2866 (JSR)

Plaintiff,

09-cv-2931 (JSR)

-against-

PF SALECO LLC, ET AL,

ECF FILED

Defendants.

**JOINDER IN LIMITED OBJECTION OF CREDIT SUISSE FIRST BOSTON NEXT  
FUND, LAB MORGAN CORPORATION, AND ML IBK POSITIONS, INC. TO THE  
REPORT AND RECOMMENDATION OF SPECIAL MASTER CAPRA ON THE  
MOTION TO DISMISS THE AMENDED COMPLAINT**

Defendant Robert Suan hereby joins in the limited objection filed by Credit Suisse First Boston Next Fund, Lab Morgan Corporation, and ML IBK Positions, Inc. (the “Bank Defendants”), dated September 7, 2010, to the Report and Recommendation of Special Master Capra on the Bank Defendants’ Motion to Dismiss the Amended Complaint (the “Limited Objection”).

To avoid burdening the Court with duplicative briefing and to conserve attorneys’ fees, Defendant herein fully adopts and incorporates the Bank Defendants’ Limited Objection. The arguments contained within the Bank Defendants’ Limited Objection are fully applicable to Plaintiff’s claims against Defendant and apply with equal force.

For the reasons stated in the Limited Objection this Court should grant Defendant’s Motion to Dismiss the Amended Complaint and dismiss Plaintiff’s Amended Complaint in its entirety on all grounds and with prejudice.

Dated: New York, New York  
September 24, 2010

Respectfully submitted,

MARKOWITZ & CHATTORAJ LLP

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